

106TH CONGRESS
2D SESSION

H. R. 5056

To amend the Nazi War Crimes Disclosure Act to clarify that activities of the Imperial Government of Japan are included, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. LANTOS (for himself, Mr. GILMAN, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SANDERS, Mr. EVANS, Mr. PORTER, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend the Nazi War Crimes Disclosure Act to clarify that activities of the Imperial Government of Japan are included, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nazi and Japanese
5 World War II War Crimes Disclosure Act”.

1 **SEC. 2. DISCLOSURE OF JAPANESE WAR CRIMINAL**
2 **RECORDS.**

3 (a) DISCLOSURE OF RECORDS.—Section 3 of the
4 Nazi War Crimes Disclosure Act (Public Law 105–246;
5 5 U.S.C. 552 note) is amended—

6 (1) in subsection (a)—

7 (A) by striking “RECORDS.—” and all that
8 follows through “(1) pertain” and inserting
9 “RECORD.—For purposes of this Act, the term
10 ‘Nazi war criminal record’ means a classified
11 record or portion of a record that—
12 “(1) pertains”; and

13 (B) in paragraph (2)—

14 (i) by striking “pertain to any trans-
15 action as to which” and inserting “pertains
16 to any transaction which”; and

17 (ii) in subparagraph (B), by striking
18 “such transaction”;

19 (2) by redesignating subsections (b) and (c) as
20 subsections (c) and (d), respectively;

21 (3) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) JAPANESE WAR CRIMINAL RECORD.—For pur-
24 poses of this Act, the term ‘Japanese war criminal record’
25 means any classified record or portion of a record that—

1 “(1) pertains to any person with respect to
2 whom the United States Government, in its sole dis-
3 cretion, has grounds to believe ordered, incited, as-
4 sisted, or otherwise participated in the experimen-
5 tation on or persecution of any person because of
6 race, religion, national origin, or political opinion,
7 during the period beginning on September 18, 1931,
8 and ending on September 2, 1945, under the direc-
9 tion of, or in association with—

10 “(A) the Imperial Government of Japan;

11 “(B) any government in any area occupied
12 by the military forces of the Imperial Govern-
13 ment of Japan;

14 “(C) any government established with the
15 assistance or cooperation of the Imperial Gov-
16 ernment of Japan; or

17 “(D) any government which was an ally of
18 the Imperial Government of Japan; or

19 “(2) pertains to any transaction which the
20 United States Government, in its sole discretion, has
21 grounds to believe—

22 “(A) involved assets taken from persecuted
23 persons during the period beginning on Sep-
24 tember 18, 1931, and ending on September 2,
25 1945, by, under the direction of, on behalf of,

1 or under authority granted by the Imperial
2 Government of Japan or any nation then allied
3 with that government; and

4 “(B) was completed without the assent of
5 the owners of those assets or their heirs or as-
6 signs or other legitimate representatives.”;

7 (4) in subsection (c), as so redesignated—

8 (A) in paragraph (1)—

9 (i) by striking “Nazi War Criminal
10 Records”; and

11 (ii) by striking “Nazi war criminal
12 records that are described in subsection
13 (a)” and inserting “all Nazi war criminal
14 records and all Japanese war criminal
15 records”; and

16 (B) in paragraph (3)(A), by inserting after
17 “Nazi war criminal records” the following: “or
18 Japanese war criminal records, as the case may
19 be,”; and

20 (5) in subsection (d), as so redesignated, by
21 striking “under section 3 of this Act” and inserting
22 “or a Japanese war criminal record”.

23 (b) EXPEDITED PROCESSING OF FOIA REQUESTS.—
24 Section 4 of the Nazi War Crimes Disclosure Act (5
25 U.S.C. 522 note) is amended—

1 (1) in subsection (a), by inserting “or a Japa-
2 nese war criminal record” after “Nazi war criminal
3 record”; and

4 (2) in subsection (b), by inserting before the pe-
5 riod the following: “or was persecuted in the manner
6 described in section 3(b)(1) of this Act who requests
7 a Japanese war criminal record”.

8 **SEC. 3. ADDITIONAL REQUIREMENTS AND AUTHORITIES.**

9 The Nazi War Crimes Disclosure Act is amended by
10 adding at the end the following:

11 **“SEC. 5. COOPERATION BY GOVERNMENT OF JAPAN.**

12 “The Secretary of State shall inform the Government
13 of Japan that all Japanese war criminal records in the
14 custody of the Government of Japan should be made fully
15 and freely available to the United States Government, as
16 requested, and to the public at large.

17 **“SEC. 6. ADMINISTRATIVE SUPPORT SERVICES.**

18 “The National Archives and Record Administration
19 shall provide administrative support services to the Inter-
20 agency Group.

21 **“SEC. 7. PROCUREMENT OF TEMPORARY AND INTERMIT-**
22 **TENT SERVICES.**

23 “The Chair of the Interagency Group may procure
24 temporary and intermittent services of historical special-
25 ists to aid in identifying, describing, and assessing the his-

1 torical significance of Nazi war criminal records and Japa-
 2 nese war criminal records. Such services may be procured
 3 without regard to any provision of law requiring adver-
 4 tising by contract bids, without regard to the provisions
 5 of title 5, United States Code, governing appointments in
 6 the competitive service, and without regard to the provi-
 7 sions of chapter 51 and subchapter III of chapter 53 of
 8 that title relating to classification and General Schedule
 9 pay rates, except that the level of compensation for such
 10 services may not exceed \$100 per hour. Such services may
 11 not be provided after the end of fiscal year 2001.”.

12 **SEC. 4. TERMINATION OF INTERAGENCY GROUP.**

13 Section 2(b)(1) of the Nazi War Crimes Disclosure
 14 Act (5 U.S.C. 552 note) is amended by striking “3” and
 15 inserting “5”.

16 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

17 Section 2 of the Nazi War Crimes Disclosure Act (5
 18 U.S.C. 522 note) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2), by adding “and”
 21 after the semicolon;

22 (B) by striking paragraph (3) and redesign-
 23 nating paragraph (4) as paragraph (3); and

1 (C) in paragraph (3), as so redesignated,
2 by inserting “or a Japanese war criminal
3 record” after “criminal record”; and
4 (2) in subsection (c)—

5 (A) by striking “Not later than 1 year
6 after the date of enactment of this Act, the”
7 and inserting “The”; and

8 (B) in paragraph (1), by striking “all clas-
9 sified Nazi war criminal records” and inserting
10 “as soon as possible after the date of the enact-
11 ment of this Act, all Nazi war criminal records,
12 and all Japanese war criminal records,”.

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